

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

HILL-ROM COMPANY, INC.,
HILL-ROM SERVICES, INC., AND
HILL-ROM MANUFACTURING, INC.,

Plaintiffs,

v.

GENERAL ELECTRIC COMPANY,

Defendant.

Case No. 2:14-CV-187 RGD-LRL
(Hon. Robert G. Doumar)

JURY TRIAL DEMANDED

GENERAL ELECTRIC COMPANY’S
MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION

Defendant General Electric Company (“GE”) hereby moves to dismiss the Complaint brought by Plaintiffs Hill-Rom Company, Inc., Hill-Rom Services, Inc. and Hill-Rom Manufacturing, Inc. for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(b)(1). Each of these corporations is a distinct legal entity that must independently satisfy the requirements for subject matter jurisdiction—including standing under Article III of the Constitution—in order for this Court to hear their respective claims. Because this is a patent infringement case, only parties that either (1) own all substantial rights to a patent, or (2) possess the right to exclude others from practicing the patent, possess a legally protected interest sufficient to confer standing. *See Morrow v. Microsoft Corp.*, 499 F.3d 1332, 1339-1340 (Fed. Cir. 2007). But the undisputed facts as alleged in the Complaint demonstrate that neither Hill-Rom Company, Inc. nor Hill-Rom Manufacturing, Inc. has standing in this suit. And because the Complaint does not distinguish

between the Plaintiffs with respect to the allegations made therein, the entire Complaint should be dismissed.

In support of its Motion, GE submits herewith its Brief in Support of its Motion to Dismiss. For the reasons set forth in its accompanying Brief, GE respectfully requests that the Court grant the present Motion under Fed. R. Civ. P. 12(b)(1), hold that Hill-Rom Manufacturing and Hill-Rom Company, Inc. lack standing, and dismiss the Complaint for lack of subject matter jurisdiction.

DATED: June 9, 2014

Respectfully submitted,

By: /s/ Robert M. Tata

Robert M. Tata (VSB #30101)
Wendy C. McGraw (VSB #37880)
HUNTON & WILLIAMS LLP
500 E. Main Street, Suite 1000
Norfolk, VA 23510
(757) 640-5300
(757) 625-7720 *fax*
btata@hunton.com
wmcgraw@hunton.com

Brian E. Ferguson (*pro hac vice*)
Robert T. Vlasits III (*pro hac vice*)
WEIL, GOTSHAL & MANGES, LLP
1300 Eye Street, N.W., Suite 900
Washington, DC 20005
(202) 682-7000
(202) 857-0940 *fax*
brian.ferguson@weil.com
robert.vlasits@weil.com

David J. Lender (*pro hac vice*)
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
(212) 310-8000
(212) 310-8007 *fax*
david.lender@weil.com

Attorneys for Defendant General Electric Co.

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2014, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Stephen E. Noona, Esq.
Lauren Tallent Rogers, Esq.
KAUFMAN & CANOLES, P.C.
150 West Main Street, Suite 2100
Norfolk, VA 23510
senoona@kaufcan.com
ltrogers@kaufcan.com

J. Michael Showalter, Esq.
SCHIFF HARDIN LLP
233 S. Wacker Drive, Suite 6600
Chicago, IL 60606
mshowalter@schiffhardin.com

Stacie R. Hartman, Esq. (*pro hac vice*)
A. Taylor Corbitt, Esq. (*pro hac vice*)
SCHIFF HARDIN LLP
233 S. Wacker Drive, Suite 6600
Chicago, IL 60606
shartman@schiffhardin.com
tcorbitt@schiffhardin.com

Stephen M. Haskins, Esq. (*pro hac vice*)
SCHIFF HARDIN, LLP
One Market
Spear Street Tower, Thirty-Second Floor
San Francisco, CA 94105
shankins@schiffhardin.com

Samuel D. Almon, Esq. (*pro hac vice*)
SCHIFF HARDIN, LLP
One Atlantic Center, Suite 2300
1201 West Peachtree Street
Atlanta, GA 30309
salmon@schiffhardin.com

*Attorneys for Plaintiffs Hill-Rom Company, Inc.
Hill-Rom Services, Inc. and Hill-Rom Manufacturing, Inc.*

/s/ Robert M. Tata

Robert M. Tata (VSB #30101)
HUNTON & WILLIAMS LLP
500 E. Main Street, Suite 1000
Norfolk, VA 23510
(757) 640-5300
(757) 625-7720 fax
btata@hunton.com

Attorneys for General Electric Company